IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.989 OF 2005

Harshal Arvind Sathe ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.P.R.Arjunwadkar, for the Applicant.

Mr.A.S. Gadkari, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

23rd February 2005

P.C.:

. Heard Counsel for the parties. The only circumstance pressed against the present Applicant to indicate his complicity in the alleged offence is that he was seen wielding sword at the spot at the relevant time. In the first place, no overt act is ascribed to the Applicant. As no role has been assigned to him, merely saying that he was seen wielding sword is

not enough, viewed in the backdrop that the injury caused to the victim is only one linear incised wound. The case of the Applicant is that he was not arrested on the spot, where the incident has happened, but at some distance. No recovery under section 27 has been made from the Applicant. The other argument was that there are antecedents against the Applicant. But it is seen that the offence for which the Applicant is being tried in CR.No.217/2005 which is registered with Fouzdar Chawdi Police Station are mostly bailable offences, except the offence under section 506, Indian Penal Code, which is bailable in other parts of Maharashtra, except Solapur District. In any case, the Applicant has been granted bail in connection with the said offence. Taking overall view of the matter, the Applicant deserves to be released on bail by imposing strict conditions as follows.

(A) The Applicant is granted bail in connection with CR.No.216/2005 registered with Fouzdar Chawdi Police Station, Solapur, on his executing personal bond in the sum of Rs.25,000/- (Rupees Twenty

five thousand only) with two local sureties in the like amount.

(B) The Applicant shall not enter the jurisdcition of Fouzdar Chawdi Police Station, Solapur, during the pendency of trial.

(C) The Applicant shall not tamper the prosecution evidence nor shall influence the prosecution witnesses in any manner whatsoever.

(D) The Applicant shall co-operate with the trial Court for early disposal of the trial. If the trial Court is of the opinion that the Applicant are in any manner responsible for the delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

(E) The Applicant shall inform place of his residence to the investigating officer as well as to the trial Court

within one week from the date of release. Besides, the Applicant shall report to the nearest police station once in a month on first Saturday of every English calendar month between 10 a.m. to 2 p.m. during the pendency of the trial.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)